

REMARKS

Applicants acknowledge with appreciation the indication that claim 22 defines patentable subject matter. The remainder of the claims pending in this application, namely, claims 9-12 and 23-25 stand rejected. These rejections will be discussed below, in the order presented in the current office action.

Claims 23-25

Independent claim 23 stands rejected as being anticipated by Potter. Potter discloses a fitting for a plastic container. The fitting includes hollow inner and outer components between which a portion of the wall of the plastic container itself is sandwiched. According to Potter, this permits a single barrier layer 51 of the container wall 48 to be continuous between the container and the fitting.

Independent claim 23 has been amended to provide that the shell includes a vapor barrier layer and that the vapor barrier layer of the fill nipple overlies the fuel tank vapor barrier layer along the extent of the overlap of the fill nipple and the shell providing two vapor barrier layers along the extent of the overlap of the fill nipple and shell. As noted above, Potter merely discloses sandwiching a portion of a container between inner and outer fitting components 40, 20, so that the vapor barrier layer of the container itself is sandwiched between these components. Accordingly, Potter cannot anticipate claim 23 which calls for a shell having a vapor barrier layer and a fill nipple having a vapor barrier layer that overlies the fuel tank barrier layer, providing two vapor barrier layers along the extent of the overlap of the fill nipple and shell.

Further, the office action misstates the subject matter of claim 24 which requires that an end of the fill nipple not attached to the shell is constructed and arranged to carry at least a portion of two

separate fuel system components. Despite the specific recitation regarding an end of the fill nipple as opposed to the fill nipple as a whole, the office action instead focuses on the entire fitting in Potter. The office action states that a fuel line and fuel tank are two components that may be connected to the fitting in Potter, but the fuel line is connected to one end and a different end of the fitting is connected to the fuel tank. Accordingly, claim 24 is not anticipated by Potter.

Claim 25 has also been amended such that it depends from claim 23, and therefore, defines patentable subject matter for at least those reasons claim 23 is patentable.

Claims 9-12

Independent claim 9 has been rejected under 35 U.S.C. § 103 as being unpatentable over Potter in view of Kitamura. The Potter reference has previously been discussed. The Kitamura reference discloses a tube connector to facilitate connecting tubes that are disposed on opposite sides of a partition or panel, such as a floor panel in an automotive vehicle. The tube connector of Kitamura includes a connector 1, a connector holder 2, and an attaching member 3. The connector holder 2 is press-fit into an opening of the floor panel B and a plurality of bolts 34 clamp the connector holder 2 between the attaching member 3 and the floor panel B. A resinous tube A is press-fit over the connector 1 and a metal tube C is adapted to be press-fit into the connector 1 from the opposite side of the floor panel B.

Contrary to the assertion in the office action, Kitamura does not teach a cover connected to a shell and a fill nipple, nor is Kitamura in the same field of endeavor as the instant application in that Kitamura seeks to splice together or connect fluid carrying tubes on opposite sides of a panel. Nor is the cover in Kitamura useful in the manner taught by the instant application. Rather, the cover in

Kitamura merely seeks to provide a clamping force that improves a fluid tight seal of the press-fit connector assembly, and no portion of the Kitamura reference discloses, teaches or even suggests sealing against hydrocarbon permeation. Further, it would not be desirable to provide the additional holes required for the fasteners that clamp the attaching member of Kitamura to its floor panel B. Such holes would not be desirable in a fuel tank application for at least the reason that they increase the likelihood of both fluid leaks and vapor permeation. Indeed, the bolts clamping the connector holder between the attaching member 3 and the floor panel B would not be needed in Potter to ensure a fluid tight seal since Potter does not rely on a press-fit connection of its fitting components. Rather Potter teaches molding the fitting components on the container wall such that a seal is already provided and a clamp is not needed. For at least these reasons, one skilled in the art would not look to Kitamura to solve any of the issues of connecting a fill nipple to a fuel tank as set forth in claim 9.

Accordingly, the proposed combination of Potter and Kitamura is improper; there is no reason to support the proposed combination other than to support a hindsight reconstruction of the claims of this application. In any event, the proposed combination, even if deemed proper fails to render the claimed subject matter obvious.

Dependent claim 10 recites that the cover includes a polymeric vapor barrier layer. Kitamura discloses no such structure or arrangement, and therefore, cannot overcome the deficiency in Potter, which fails to disclose any cover at all as admitted in the office action. Accordingly, claim 10, as amended, is not obvious in view of, and is patentable over, any possible combination of the Potter and Kitamura reference.

Additionally, claims 11 and 12 are patentable for at least those reasons that claim 9 is patentable and each of these claims includes further recitations not included in either Kitamura or Potter, or in any possible combination of the two. Accordingly, claims 11 and 12 are patentable over the cited references.

Rejection of claims 9, 11 and 12 over Stangier and Kitamura

Claims 9, 11 and 12 were also rejected as being unpatentable over Stangier in view of Kitamura. However, this proposed combination of references fails for at least the same reasons that the combination of Potter and Kitamura fails. Namely, the references are not from the same field of endeavor and do not seek to solve the same problems. For example, Stangier includes a polymeric hollow body connected to a polymeric fuel tank by a circumferential weld. Accordingly, the fluid tightness of the connection in Stangier is not in question and the attaching member of Kitamura, which is provided to ensure the fluid tightness of the connector assembly therein, would not be of assistance in the Stangier reference. Accordingly, for at least all the reasons set forth with regard to the proposed combination of Potter and Kitamura, the Kitamura reference cannot be combined with Stangier. For at least these reasons, claim 9 is patentable over any proposed combination of Stangier and Kitamura. Likewise, claims 11 and 12 are also patentable for at least those reasons that claim 9 are patentable, and in any event, these claims include additional recitations that are not shown in the cited art.

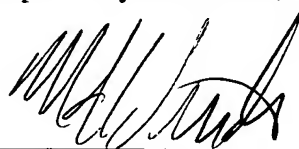
CONCLUSION

Each of pending claims 9-12 and 23-25, as amended or previously presented, is believed to define patentable subject matter over all cited art. Accordingly, reconsideration and allowance of each of these claims are respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

Applicant believes that there are no fees due at this time. Any fee deemed necessary for this response may be charged to deposit account no. 50-0852

Respectfully Submitted,



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November 27, 2006